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09/616,214	07/14/2000	Frederick Morgan	C01104/70000	5891

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EXAMINER

SHECHTMAN, SEAN P

ART UNIT

PAPER NUMBER

2125

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/616,214	Applicant(s) MORGAN ET AL.	
	Examiner Sean P. Shechtman	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-106 is/are pending in the application.
- 4a) Of the above claim(s) 34-77 and 93-106 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 and 78-92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/14/00; 11/17/00</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS 12/7/00; 10/24/02</u> . |

DETAILED ACTION

1. Claims 1-33 and 78-92 are presented for examination. Claims 34-77 and 93-106 have been withdrawn from consideration.

Election/Restrictions

2. Applicant's election without traverse of claims 1-33 and 78-92 in the reply filed on May 13th 2004 is acknowledged.

Information Disclosure Statement

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. See page 1, line 22 of the instant specification.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the selecting of one of the selected lighting effect and another lighting effect for execution by a second lighting unit (claim 20), visually representing the at least one selected lighting effect on a region of the grid defined by the at least one lighting unit (claim 22), selecting a second lighting effect for the lighting sequence based on the displayed first information (claim 25), selecting a transitioning effect between a first and second lighting effect (claim 26), a priority for multiple selected lighting effects (claim 27), specifying a brightness for a selected lighting effect (claim 28), selecting a

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LED lighting unit capable of emitting light of any range of colors (claim 30), a range or colors (claim 30), the selecting of an address of the at least one lighting unit (claim 32), an act of specifying a motion of the at least one selected lighting unit (claim 33), each lighting unit associated with a unique address (claim 4), permitting a user to select an address of the lighting units (claim 4), an interface adapted to permit the user to specify a priority for a first lighting effect which shares a temporal overlap with a second lighting effect (claim 12), a user-composed lighting effect (claim 16), designing of a user-composed lighting effect (claim 16), displaying of any information representative of a user-composed lighting effect (claim 16), start time or stop time (claim 78), an LED lighting unit (claim 82), must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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5. Although not relied upon in the objections, examiner respectfully notes the following:

Color photographs and color drawings are acceptable only for examination purposes unless a petition filed under 37 CFR 1.84(a)(2) is granted permitting their use as acceptable drawings. In the event that applicant wishes to use the drawings currently on file as acceptable drawings, a petition must be filed for acceptance of the color photographs or color drawings as acceptable drawings. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and, unless already present, an amendment to include the following language as the first paragraph of the brief description of the drawings section of the specification:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings have been satisfied.

6. The examiner has provided a number of examples of the drawing deficiencies above, however, the list of deficiencies may not be all inclusive. Applicant should refer to these as examples of deficiencies and should make all the necessary corrections to eliminate the drawing objections.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 14 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claims 14 and 31, the option to alter a selected lighting effect based on external stimulus provides an instance where the list of potential alternatives can vary and ambiguity arises. "Ex parte Cordova, 10 USPQ 2d 1949 (Bd. Pat. App. & Inter. 1989).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-4, 8, 11, 13, 14, 16-20, 23, 25-27, 29, 31-32, 78-81, 83, 86-91 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No 6,466,234 to Pyle.

Referring to claims 1, 16, 17, 20, 79, 83, 86, and 88-91, Pyle teaches a method and system for preparing a lighting sequence capable of being executed by a controller (Abstract), comprising:

a display interface displaying first information representative of a plurality of lighting effects (bright and dim); a processor permitting a user to select a lighting effect for the lighting sequence, based on the displayed first information; and selecting at least one lighting unit to execute the selected lighting effect, based on the displayed first information (Col. 4, lines 10-29).

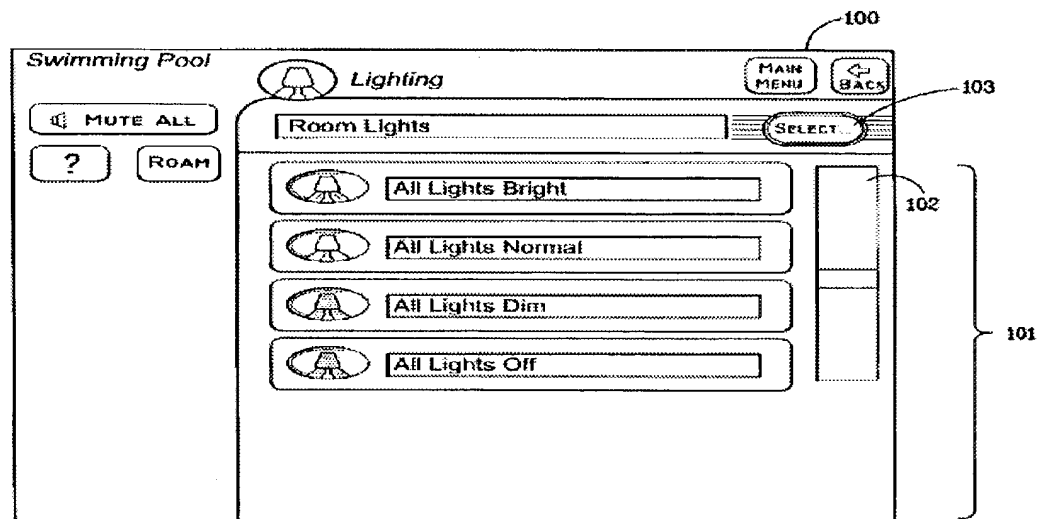


FIG. 1

Examiner respectfully notes page 4, lines 16-19 of the instant specification, wherein applicant teaches the term “light sequence” does not require sequential displays. In fact, the term “light sequence” only requires a controlled display with one light.

Referring to claims 2, 18, 19, Pyle teaches the system above, wherein: the sequence authoring interface is adapted to receive second information representative of an arrangement of a plurality of lighting units, and the display interface is adapted to visually display a first representation of the arrangement of the plurality of lighting units based on the received second information (Col. 4, lines 30-45).

Referring to claims 3, Pyle teaches the system above, wherein the display interface is adapted to display a second representation of the at least one selected lighting effect, based on the first representation of the arrangement of the plurality of lighting units, upon execution of the lighting sequence (Col. 4, lines 30-45).

Referring to claims 4, 32, Pyle teaches the system above, wherein the lighting unit is one of a plurality of lighting units wherein each lighting unit plurality of the lighting units is

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associated with a unique address, and wherein the sequence authoring interface is adapted to permit the user to select an address, of the at least one lighting unit (Col. 5, lines 14 – Col. 6, line 39).

Referring to claims 8, 23, 80, Pyle teaches the system above, wherein the sequence authoring interface is adapted store user selections on a storage medium (Col. 5, lines 46-60).

Referring to claims 11, 26, 78, 87, Pyle teaches the system above, wherein the sequence authoring interface is adapted permit the user to specify a transition effect between a first lighting effect and a second lighting effect and a start time and a stop time (Fig. 3-5; Col. 5, lines 14-45).

Referring to claims 13, 28, Pyle teaches the system above, wherein the sequence authoring interface is adapted to specify brightness for the selected lighting effect (Col. 4, lines 10-27).

Referring to claims 14, 31, Pyle teaches the system above, wherein the sequence authoring interface is adapted to permit the user to provide instructions to execute and optionally alter the lighting effect based upon at least one external stimulus (Col. 5, lines 46-60).

Referring to claims 25, Pyle teaches the system above, further comprising selecting a second lighting effect for the lighting sequence, based on the displayed first information (all lights dim).

Referring to claims 29, Pyle teaches the system above, further comprising selecting a plurality of lighting units to execute the lighting effect (all lights).

Referring to claim 81, Pyle teaches the system above, further comprising at least one lighting unit coupled to the controller (Fig. 6). Referring to claims 84-85, Pyle teaches the

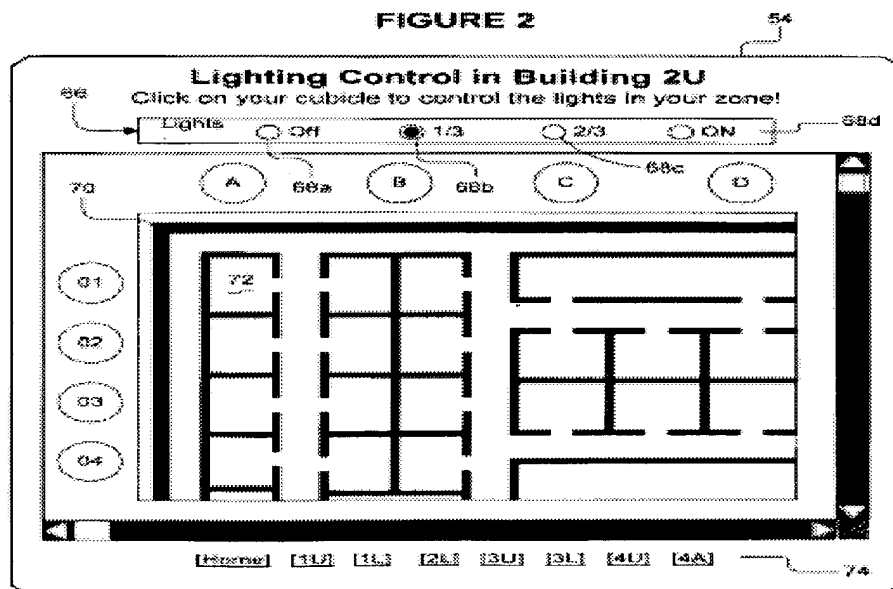
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system above, wherein controller is disposed within the processor, and wherein the controller is separate from the processor (Fig. 6).

9. Claims 1-4, 8, 9, 13, 14, 16-19, 23-25, 28, 29, 31, 32, 79-81, 83, 84-86, 88-91 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No 5,945,993 to Fleischmann.

Referring to claims 1, 16, 17, 79, 83, 86, and 88-91, Fleischmann teaches a method and system for preparing a lighting sequence capable of being executed by a controller (Col. 5, lines 24-30), comprising:

a display interface displaying first information representative of a plurality of lighting effects (Fig. 2, elements 66, 68a-68d; Col. 4, lines 33-52); a processor permitting a user to select a lighting effect for the lighting sequence, based on the displayed first information; and selecting at least one lighting unit to execute the selected lighting effect, based on the displayed first information (Col. 5, lines 24-30).



Examiner respectfully notes page 4, lines 16-19 of the instant specification, wherein applicant teaches the term “light sequence” does not require sequential displays. In fact, the term “light sequence” only requires a controlled display with one light.

Fleischmann clearly teaches displaying first information representative of a plurality of lighting effects (Fig. 2, elements 66, 68a-68d; See also Col. 9, lines 36-47). Fleischmann clearly teaches selecting a lighting effect for a controlled display with one light, based on the displayed first information (Col. 5, lines 24-30). Fleischmann clearly teaches selecting at least one lighting unit to execute the selected lighting effect (Col. 5, lines 24-30).

Referring to claims 2, 18, 19, Fleischmann teaches the system above, wherein: the sequence authoring interface is adapted to receive second information representative of an arrangement of a plurality of lighting units (Col. 4, lines 53-67), and the display interface is adapted to visually display a first representation of the arrangement of the plurality of lighting units based on the received second information (See Fig. 2 above).

Referring to claims 3, Fleischmann teaches the system above, wherein the display interface is adapted to display a second representation of the at least one selected lighting effect, based on the first representation of the arrangement of the plurality of lighting units, upon execution of the lighting sequence (Col. 5, line 60 – Col. 6, line 61).

Referring to claims 4, 32, Fleischmann teaches the system above, wherein the lighting unit is one of a plurality of lighting units wherein each lighting unit plurality of the lighting units is associated with a unique address, and wherein the sequence authoring interface is adapted to permit the user to select an address, of the at least one lighting unit (Fig. 1a; Col. 3, lines 51-65; Col. 3, lines 13-26).

Referring to claims 8, 23, 80, Fleischmann teaches the system above, wherein the sequence authoring interface is adapted store user selections on a storage medium (Fig. 1, elements 82, 36, or 60).

Referring to claims 9, 24, Fleischmann teaches the system above, wherein the sequence authoring interface is adapted to permit the user to select a color for the lighting effect (Col. 9, lines 36-47).

Referring to claims 13, 28, Fleischmann teaches the system above, wherein the sequence authoring interface is adapted to specify brightness for the selected lighting effect (Fig. 2, elements 66, 68a-68d).

Referring to claims 14, 31, Fleischmann teaches the system above, wherein the sequence authoring interface is adapted to permit the user to provide instructions to execute and optionally alter the lighting effect based upon at least one external stimulus (Col. 5, lines 36 – Col. 6, line 61).

Referring to claims 25, Fleischmann teaches the system above, further comprising selecting a second lighting effect for the lighting sequence, based on the displayed first information (Col. 9, lines 35-47).

Referring to claims 29, Fleischmann teaches the system above, further comprising selecting a plurality of lighting units to execute the lighting effect (Col. 9, lines 35-47).

Referring to claim 81, Fleischmann teaches the system above, further comprising at least one lighting unit coupled to the controller (Fig. 1, element 12; Col. 3, line 66 – Col. 4, line 12)

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Referring to claims 84-85, Fleischmann teaches the system above, wherein controller is disposed within the processor (Col. 10, lines 46-65), and wherein the controller is separate from the processor (Col. 3, lines 7-26; Col. 9, lines 22-30; Col. 8, lines 9-24).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5, 15, 30, 33, 82, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No 5,945,993 to Fleischmann as applied to claims 1, 17, and 81 above, and further in view of U.S. Pat. No. 6,361,198 to Reed. Claims 5, 15, 30, 33, 82, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No 6,466,234 to Pyle as applied to claims 1, 17, and 81 above, and further in view of U.S. Pat. No. 6,361,198 to Reed.

Referring to claims 5, 15, 30, 33, 82, Fleischmann teaches the present invention relates generally to lighting control systems (Col. 1, lines 6-7). Additionally Fleischmann teaches the selections on the lighting control form ultimately depend upon the number and types of lights being controlled (Col. 9, lines 45-47). Additionally, Fleischmann teaches selecting color lighting effects (Col. 9, lines 36-47).

Referring to claims 5, 15, 30, 33, 82, Pyle teaches the present invention relates generally to a system for controlling environmental conditions such as lighting (Abstract, line 1).

Referring to claims 5, 30, 82, Fleischmann and Pyle fail to teach the system above, wherein the lighting unit includes a LED capable of emitting light of any of a range of different

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colors, and wherein the sequence authoring interface is adapted to permit the user to select a color of light emitted by the LED.

Referring to claims 15 and 33, Fleischmann and Pyle fail to teach the system above, wherein the interface is adapted to permit the user to specify motion of the lighting unit.

However, Reed teaches a method and system for preparing a lighting sequence capable of being executed by a controller (Title; Abstract of '198), wherein

Referring to claims 5, 30, 82, Reed teaches the system above, wherein a lighting unit includes at least an LED capable of emitting light of any of a range of different colors, and wherein a sequence authoring interface is adapted to permit a user to select a color of light emitted by the LED (Col. 3, lines 25-57 of '198).

Referring to claims 15 and 33, Reed teaches the system above, wherein the interface is adapted to permit the user to specify motion of the lighting unit (Col. 5, lines 1-7; Fig. 16 of '198).

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to combine the teachings of Reed with the teachings of Fleischmann or Pyle.

One of ordinary skill in the art would have been motivated to combine either of these references because Reed teaches an interactive light display that uses a computer to allow display routines to be conveniently custom designed and easily exchanged and even downloaded from the internet (Col. 2, lines 1-16 of '198)

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11. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No 5,945,993 to Fleischmann.

Referring to claims 20, Fleischmann clearly teaches controlling lighting loads of many zones (Fig. 2). Fleischmann clearly provides for selecting at least two lighting effects for a single zone (Col. 9, lines 36-47).

Referring to claims 20, Fleischmann fails to clearly provide for selecting a second lighting unit.

However, it would have been obvious select a second lighting zone from the map of lighting zones shown in figure 2 of Fleischmann above because duplicating a part for multiple effect is within the level of ordinary skill in the art In re Harza, 274 F.2d 669, 671, 124 USPQ 378, 380, (CCPA1960).

One of ordinary skill in the art would have been motivated to select a second lighting zone to turn on office lights before the start of business as taught by Fleischmann (Col. 1, lines 11-20), or conserve energy if someone leaves the lighting loads on as taught by Fleischmann (Col. 9, lines 7-21), or if a person forgot if the lights were left on in the office, that person could select their office and turn the lights off from home, thereby conserving energy (Col. 9, lines 22-30).

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No 5,945,993 to Fleischmann as applied to claim 1 above, and further in view of U.S. Pat. No. 5,334,992 to Rochat. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Pat. No 6,466,234 to Pyle as applied to claim 1 above, and further in view of U.S. Pat. 5,334,992 to Rochat.

Referring to claim 10, Fleischmann teaches the present invention relates generally to lighting control systems (Col. 1, lines 6-7). Additionally Fleischmann teaches the selections on the lighting control form ultimately depend upon the number and types of lights being controlled (Col. 9, lines 45-47). Additionally, Fleischmann teaches selecting color lighting effects (Col. 9, lines 36-47).

Referring to claim 10, Pyle teaches the present invention relates generally to a system for controlling environmental conditions such as lighting (Abstract, line 1).

Referring to claim 10, Fleischmann and Pyle fail to teach the system above, further comprising permitting the user to select a starting color and an ending color for the lighting effect.

However, referring to claim 10, Rochat teaches analogous art, including a starting color and an ending color for a lighting effect (Fig. 5; Col. 6, lines 45-60 of '992).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Fleischmann or Pyle with the teachings of Rochat.

One of ordinary skill in the art would have been motivated to combine either of these references because Rochat teaches an improved system for controlling color of display devices and color selection. Furthermore, Rochat teaches an interface that enhances the ease of color selection and manipulation in a computer system by utilizing display graphics to assist in the

visualization of the available color selections. Further advantages of Roachat generally apply to increased accuracy, predictability and ease of use of the interface (Col. 4, lines 13-68 of '992)

13. Claims 12 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No 5,945,993 to Fleischmann as applied to claims 1, 17 above, and further in view of U.S. Pat. No. 5,739,823 to Akaza. Claims 12 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No 6,466,234 to Pyle as applied to claims 1, 17 above, and further in view of U.S. Pat. 5,739,823 to Akaza.

Referring to claims 12 and 27, Fleischmann teaches the present invention relates generally to lighting control systems (Col. 1, lines 6-7). Additionally Fleischmann teaches the selections on the lighting control form ultimately depend upon the number and types of lights being controlled (Col. 9, lines 45-47). Additionally, Fleischmann teaches selecting color lighting effects (Col. 9, lines 36-47).

Referring to claims 12 and 27, Pyle teaches the present invention relates generally to a system for controlling environmental conditions such as lighting (Abstract, line 1).

Referring to claims 12 and 27, Fleischmann and Pyle fail to teach the system above, further comprising permitting the user to specify a priority for a first lighting effect which shares a temporal overlap with a second lighting effect.

However, referring to claims 12 and 27, Akaza teaches analogous art, comprising permitting the user to specify a priority for a first lighting effect which shares a temporal overlap with a second lighting effect (Col. 9, lines 50-67 of '823).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Fleischmann or Pyle with the teachings of Akaza.

One of ordinary skill in the art would have been motivated to combine either of these references because Akaza teaches a graphic display device for displaying graphs based on input data that can be clearly and easily discriminated (Col. 1, lines 5-7 and lines 55-56 of '823).

14. Claims 6-7 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No 5,945,993 to Fleischmann as applied to claims 1, 17 above, and further in view of U.S. Pat. No. 5,986,414 to Bocchicchio. Claims 6-7 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No 6,466,234 to Pyle as applied to claims 1, 17 above, and further in view of U.S. Pat. No. 5,986,414 to Bocchicchio.

Referring to claims 6-7 and 21-22, Fleischmann teaches the present invention relates generally to lighting control systems (Col. 1, lines 6-7). Additionally Fleischmann teaches the selections on the lighting control form ultimately depend upon the number and types of lights being controlled (Col. 9, lines 45-47). Additionally, Fleischmann teaches selecting color lighting effects (Col. 9, lines 36-47).

Referring to claims 6-7 and 21-22, Pyle teaches the present invention relates generally to a system for controlling environmental conditions such as lighting (Abstract, line 1). Pyle clearly shows representations of lighting effects on the display of the figure above.

Referring to claims 6-7 and 21-22, Fleischmann and Pyle fail to teach the system above, further comprising displaying a grid with lighting units along one axis and time along another axis, and visually representing lighting effect on a region of the grid defined by the lighting unit.

However, referring to claims 6-7 and 21-22, Bocchicchio teaches analogous art, comprising displaying a grid with lighting units along one axis and time along another axis, and visually representing lighting effect on a region of the grid defined by the lighting unit (Col. 7, line 42 – Col. 8, line 17 of ‘414).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Fleischmann or Pyle with the teachings of Bocchicchio.

One of ordinary skill in the art would have been motivated to combine either of these references because Bocchicchio teaches a flexible and easily configurable lighting system with a template for creating and editing a lighting program (Col. 2, lines 14 – Col. 3, line 8 of ‘414).

Conclusion

15. If a copy of a provisional application listed on the bottom portion of the accompanying Notice of References Cited (PTO-892) form is not included with this Office action and the PTO-892 has been annotated to indicate that the copy was not readily available, it is because the copy could not be readily obtained when the Office action was mailed. Should applicant desire a copy of such a provisional application, applicant should promptly request the copy from the Office of Public Records (OPR) in accordance with 37 CFR 1.14(a)(1)(iv), paying the required fee under 37 CFR 1.19(b)(1). If a copy is ordered from OPR, the shortened statutory period for reply to this Office action will not be reset under MPEP § 710.06 unless applicant can demonstrate a substantial delay by the Office in fulfilling the order for the copy of the provisional application. Where the applicant has been notified on the PTO-892 that a copy of the provisional application

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is not readily available, the provision of MPEP § 707.05(a) that a copy of the cited reference will be automatically furnished without charge will not apply.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean P. Shechtman whose telephone number is (703) 305-7798. The examiner can normally be reached on 9:30am-6:00pm, M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPS

Sean P. Shechtman

July 16, 2004

 7-22-04
ALBERT W. PALADINI
PRIMARY EXAMINER